REMARKS

In response to the Office Action of January 14, 2009, no claims have been amended.

Applicant also notes that the reference relied upon by the Office, "Unreal Tournament 2003" is given a date of publication of September 30, 2002. The current application is a U.S. national phase entry of PCT/IB002/05235, which was filed on December 10, 2002. Because the rejection of the claims is based on 35 U.S.C. §102(b), which requires that the invention be described in a printed publication more than one year prior to the date of application for patent in the United States, Applicant submits that the reference provided by the Office is not a proper §102(b) reference since it was published less than one year before the application's original filing date. Therefore, the applicant has proceeded under the assumption that the reference is being used to reject the claims under 35 U.S.C. §102(a).

Claim Rejections- 35 USC § 102

At page 2, claims 1, 2, 6, 7, 9-11, 14, 15, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Unreal Tournament 2003 Game Manual, (hereinafter Unreal Tournament 2003).

With respect to claim 1, it is asserted by the Office that Unreal Tournament 2003 discloses running a multi-player game application, receiving an indication that said player taking part in said multi-player game is absent, and continuing the game by simulating the participation of said player who is actually absent, with reference made to page 9. Applicant respectfully disagrees.

It is asserted by the Office at page 2, lines 14-18 that in Unreal Tournament 2003, "[y]ou can set a minimum number of players such that if a player drops out of a multi-player match, and the total number of players falls below the minimum number, the player is replaced with a bot. The bot simulates the participation of a player in that it attempts to get kills." (emphasis added). However, there is nothing described in Unreal Tournament 2003 that could reasonably lead to this conclusion.

The use of "bots" is not described in any detail in Unreal Tournament 2003, other than stating that they are "AI [artificial intelligence] computer opponents" (Unreal

Tournament 2003, page 21). How these "bots" are specifically utilized in each of the game modes is not described in any detail. Unreal Tournament 2003 also discloses a multiplayer game mode, in which a maximum and minimum number of players can be set (Unreal Tournament 2003, page 9). The multiplayer mode appears to involve the use of bots in some capacity, as the bot settings can be adjusted and a bot can be configured or imported (Unreal Tournament 2003, page 9). However, there is no indication of how the bots are actually used in the multiplayer mode, nor are there grounds for the inference that a bot can replace a player in the multiplayer mode if that player leaves or "forfeits" (Unreal Tournament, page 9).

The setting of a minimum number of players for a game is determined by the hosting player prior to the game, when establishing a game for other players to join. There is no indication that the ability of the hosting player to set a minimum number of players means that bots are used to reach that number after the game has started if a player leaves. The minimum number represents the number of players the game must have <u>prior to starting</u> the game. There is nothing stated in Unreal Tournament 2003 about how the minimum number of players impacts the game after the game has commenced. Although a player can "forfeit," or leave the game, Unreal Tournament 2003 is silent on replacing the player with a bot that simulates the player's participation.

Even if one were to accept the Office's inferences that the participation of a player who becomes absent from the game will be simulated in Unreal Tournament 2003, Unreal Tournament 2003 still would fail to show "simulating participation *of said player*." The computer opponent that would be used in Unreal Tournament 2003 for purposes of simulating an absent player is a generic and predetermined, AI opponent. The computer opponent is not used to simulate the participation of a particular player. If a "bot" is used in the multiplayer mode, its settings are controlled by the hosting player, making it difficult to configure the bots in a way that simulates how a player other than the hosting player will participate in the game. The method of providing a pre-configured computer generated opponent conflicts with the purpose of the current invention, which is to simulate the participation of a specific player, so that "the absent player can be simulated in a very lifelike manner" and assuring "that the final result represents the most probable final result" (Application as filed, page 4, lines 24-30). This feature is present in claim 1 which recites

"continuing the game by simulating the participation of <u>said player</u> who is <u>actually</u> absent."
(emphasis added). Clearly, the simulation is not with respect to a player in general, rather
a specific player who is absent.

Therefore, because Unreal Tournament 2003 does not disclose several of the
features of claim 1, it is respectfully submitted that claim 1 is not anticipated by Unreal
Tournament 2003 and is in allowable form.

Because independent claims 14 and 18 are rejected for the same reasons as
independent claim 1, it is respectfully submitted that they are also in allowable form.

With respect to dependent claims 6 and 7, which are dependent on claim 1 and
recite, respectively, "wherein said indication that a player is absent comprises a notification
received from said absent player," and "further comprising sending a notification to at least
one of said other players of said multi-player game, said notification comprising an
information that the participation of at least one player is actually simulated," the applicant
respectfully submits that Unreal Tournament 2003 does not disclose these claims. The
specific portions of Unreal Tournament 2003 cited by the Office which describe a "forfeit"
on page 9 and the text box on page 12 fail to disclose these features, nor are these
features disclosed anywhere else in the reference. When a player "Forfeits," as described
on page 9 of Unreal Tournament 2003, it is an option selected from the in-game menu for
that particular player only. The Office points to the text box on page 12 for disclosing
where it is shown to other players when a player has forfeited. However, it is only
disclosed that "important game info (ball/flag status, kills, etc.)" or "[m]essages from your
enemies and teammates" appear on this screen. Nowhere does it state that a player's
absence from the game is stated. Further, page 13 discloses a list of messages players
can send to each other, none of which indicate a player leaving the game.

In addition, with respect to dependent claim 9 at section 8 of the Office Action, the
Office asserts that Unreal Tournament 2003 discloses terminating said simulation of the
participation if said absent player returns to the game, stating that "if the player returns, he
will take the place of one of the bots." However, in furtherance of the fact that Unreal
Tournament 2003 fails to disclose that a bot takes the place of an absent player, Unreal
Tournament 2003 also inherently fails to disclose the player taking the place of the bot

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upon his or her return. There is no disclosure in Unreal Tournament 2003 of this feature, nor does the Office provide a citation in the reference disclosing this feature.

Claims 2, 6, 7, 9, 10, and 15 are dependent upon the aforementioned independent claims, therefore, at least in view of such dependency and for the reasons provided above, it is respectfully submitted that these claims are also in allowable form.

Claim Rejections- 35 USC § 103

At page 4, claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unreal Tournament in view of Begis (US 6,024,643). At page 5, claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unreal Tournament.

Claims 3-5 and 8 are ultimately dependent upon independent claim 1 and claim 16 is dependent upon claim 14. As stated above, both claims 1 and 14 are in allowable form. As Begis does not disclose the features of these independent claims, it is respectfully submitted that at least in view of their dependency on independent claims in allowable form, claims 3-5, 8 and 16 are also in allowable form.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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